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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,478	01/18/2002	Daniele Bergo	U013832-4	7271
7590	10/05/2004		EXAMINER	
Ladas & Parry 26 West 61 Street New York, NY 10023			TRAN, MYLINH T	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/052,478	BERGO ET AL.
Examiner	Art Unit	
Mylinh T Tran	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## **Office Action Summary**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 18 January 2002.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-15 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 18 January 2002 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 3, 4, 13 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear that "the sequence", "the state", "the setting" and "the new control system" as being referred to.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Habib et al. [US. 5,825,356].

As to claims 1 and 15, Habib et al. discloses a computer implemented method and corresponding apparatus for changing the configuration of computer program window "RUMBA OFFICE (figure 6, 82) comprising the steps/means for a display device (figure 6, 80); and a selection device (figure 6, 84); a user selecting a desired end configuration by means of the selection device (figure 6, 100), an orderly list of the operations to be performed on the ~~automatic machine~~ (figure 6, 86, column 3, lines 17-26) to convert the automatic machine from a current start configuration (figure 6, 82) to said desired end configuration (figure 6, 100). However, Habib et al. fails to teach changing the configuration of an automatic machine. Although Habib et al. disclose of a step of changing the configuration of the computer program window (figure 6, 82), they do not explicitly mention the automatic machine. It is well known in the state of the art that if Habib et al. teaches the step of changing the configuration of the computer program window, Habib et al. also teaches the step of changing the configuration of the automatic machine. **The Examiner takes OFFICIAL NOTICE.** It would have been obvious to one of ordinary skill in the art, having the teachings of Habib et al. before him, the computer program window of Habib et al. to be the automatic machine in order to choose the desired program user wants to change the configuration to make cheaply and easily, as made known in the state of the art.

As to claim 2, Habib et al. also discloses said list being arranged according to the sequence (column 4, lines 4-15).

As to claim 3, Habib et al. shows characterized by displaying, together with at least one said operation, the state of at least one respective operating value in the start configuration and the state of the same operating value in the end configuration (column 13, lines 5-15).

As to claim 4, Habib et al. also shows characterized in that said operating value is a numeric value indicating the setting of an operating member of the automatic machine (column 13, lines 1-17).

As to claim 5, Habib et al. provides characterized in that said operating value is an identification code of a part of automatic machine (column 13, lines 1-17).

As to claim 6, Habib et al. discloses characterized in that, for each configuration, the respective states of all said operating values are memorized in a database (column 13, lines 1-17 and column 2, lines 40-50. Also, it is inherent that Habib et al. discloses each said operating value being associated with a respective said operating to change the operating value because each of the help step by step in the help program has to have different operating value. Also, it is inherent that the operating values of the first step ("Click here before continuing") are different between the current configuration display (figure 6, 82) and the desired configuration display (figure 6, 100).

As to claims 7 and 9, Habib et al. teaches characterized in that, in association with at least one said operation, a description being displayed of the operations to be performed to carry out said operation (column 3, line 17 through column 4, line 55).

As to claim 8, Habib et al. also teaches characterized in that said description comprises an orderly sequence of elementary operations to be performed to carry out the relative operation (column 3, line 54 through column 4, line 15).

As to claims 10-12, Habib et al. demonstrates a respective text description being displayed for the elementary operation, However, Habib et al. fails to teach the respective photographic image, or video film or video film with sound. Although Habib et al. disclose of the text description (column 3, line 17 through column 4, line 55), they do not explicitly mention the photographic image, video film or video film with sound. It is well known in the state of the art that if Habib et al. discloses the text description, Habib et al. could teach the photographic image, video film or video film with sound being displayed for at least one elementary operation. **The Examiner takes OFFICIAL NOTICE.** It would have been obvious to one of ordinary skill in the art, having the teachings of Habib et al. before him, the text description of Habib et al. to be the photographic image, video film or video film with sound in order to help the user with more selections in the help program, as made known in the state of the art.

As to claim 13, Habib et al. also demonstrates characterized in that, when said operations shown in said list have all been performed, the new control system operating parameters relative to the desired end configuration are transferred to the automatic machine (Figure 6, the new configuration display of window 100 has the new control system operating parameters comparing the current configuration display of window 82).

As to claim 14, Habib et al. discloses characterized in that, to transfer the new control system operating parameters, an operator must first have confirmed performance of each operation in said list (column 3, lines 17-30 and column 4, lines 4-15).

***Conclusion***

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 872-9306 for all kind of communications.

NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Heather Herndon, can be reached on (703) 308-5186,

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

Art Unit 2179

BA HUYNH  
PRIMARY EXAMINER